

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:08-CR-27
)
STEVEN SHIPE)

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's objection to the magistrate judge's report and recommendation [doc. 33]. Following a hearing, Magistrate Judge Inman recommended that the defendant's motion to suppress evidence be denied [doc. 32]. The government has not responded to the defendant's objection, so the matter is ripe for the court's consideration. For the reasons discussed below, the defendant's objection will be overruled.

Under 28 U.S.C. § 636(b), a *de novo* review by the district court of a magistrate judge's report and recommendation is both statutorily and constitutionally required. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b); *see also United States v. Campbell*, 261 F.3d 628, 631-32 (6th Cir. 2001). In this case, the defendant does not raise any specific objection to

the findings and conclusions of the magistrate judge. Rather, he merely requests a *de novo* review of the report and recommendation and relies on the memorandum he filed with his motion to suppress evidence and the transcript of the suppression hearing.

The court has reviewed the defendant's motion to suppress evidence with its supporting memorandum [docs. 24 and 25], the transcript of the suppression hearing [doc. 36], and the report and recommendation. Further, the court has reviewed the case law cited by the defendant and the magistrate judge, and agrees with the findings of fact and conclusions of law set out in the report and recommendation.

Therefore, the court **ADOPTS** the report and recommendation in its entirety. It is hereby **ORDERED** that the defendant's objection is **OVERRULED**, and the defendant's motion to suppress evidence [doc. 24] is **DENIED**.

ENTER:

s/ Leon Jordan
United States District Judge